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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,910	07/25/2003	James E. Staargaard	GVC.00001US	3459

7590 03/13/2006

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EXAMINER

NORDMEYER, PATRICIA L

ART UNIT PAPER NUMBER

1772

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,910

Applicant(s)

STAARGAARD ET AL.

Examiner

Patricia L. Nordmeyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 13-33 is/are pending in the application.
- 4a) Of the above claim(s) 14-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13 and 22-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Withdrawn Rejections

1. The 35 U.S.C. 102(e) rejection of claims 1 – 5, 9 – 11 and 13 as anticipated by Cunningham in the office action dated October 18, 2005 is withdrawn due to the amendments made by the Applicant in the paper dated January 23, 2006.

Repeated Rejections

2. The 35 U.S.C. 103 rejection of claims 6 – 8 and 22 – 33 over Cunningham in view of Rich et al. in the office action dated October 18, 2005 is repeated for reasons of record as the Applicant's arguments in the paper dated January 23, 2006 are unpersuasive.

New Rejections

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 5, 9 – 11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Cunningham (USPN 6,584,950).

Cunningham discloses an integral plastic and metal part (Column 1, lines 7 – 8 and Column 4, lines 7 – 16) wherein the metal component has a first opening therein comprising a series of opening (Column 3, lines 44 – 46), a plastic component is disposed around a portion of the metal component (Column 6, lines 39 - 43), wherein the plastic material extends through the first opening and includes a flange on one side for securing the components together in a fixed relationship (Figures 4 - 8), wherein at least a portion of said plastic component extends about and envelopes an external surface of said metal component (Column 6, lines 39 – 43) as in claims 1 and 13. Also with regard to claim 1, the plastic component includes at least one integrally formed connection element extending outwardly therefrom, wherein the member has a connection portion formed therein that is operable to receive a fastening member so as to permit said plastic component to be fastened with at least one other component (Column 3, lines 11 – 16). As in claim 5, a plurality ribs make up the plastic component (Column 6, lines 7 - 20). With regard to claims 2 – 4, 9 and 10, the rectangular and annular flanges (Column 8, lines 1- 5) extend outwardly of said edges on one side of the opening and the plastic material extends beyond said edge on the opposite side of said opening, wherein the opening has curved edges (Figures 4 - 8). As seen in Figure 9, #12, the metal component has a second edge that has been folded and contains an opening according to claim 11.

Response to Arguments

5. Applicant's arguments filed January 23, 2006 with regard to the 35 U.S.C. 102(e) rejection of claims 1 – 5, 9 – 11 and 13 as anticipated by Cunningham have been fully considered but they are not persuasive.

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In response to Applicant's argument that Cunningham fails to disclose a portion of said plastic component extends about and envelopes an external surface of said metal component, Cunningham does disclose a portion of said plastic component extends about and envelopes an external surface of said metal component (Column 6, lines 39 – 43).

6. Applicant's arguments filed January 23, 2006 with regard to the 35 U.S.C. 103 rejection of claims 6 – 8 and 22 – 33 over Cunningham in view of Rich et al. have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Cunningham discloses that it is known to form an integral piece using plastic and metal, while Rich et al. teach that it is known to use plastic in combination with a closed cross sectional component, wherein the plastic is not attached to metal with mechanical fasteners (Column 3, lines 11 – 20).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

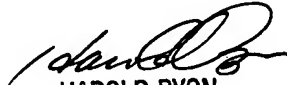
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer
Examiner
Art Unit 1772

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pln


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

3/9/08